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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,129	03/11/2004	Robert Koch	9400-89	8796
39072	7590	07/27/2005	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC, P.A.			ANWAH, OLISA	
P.O. BOX 37428			ART UNIT	
RALEIGH, NC 27627			PAPER NUMBER	

2645

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/798,129

Applicant(s)

KOCH ET AL.

Examiner

Olisa Anwah

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-17 and 19-28 is/are rejected.
- 7) ☒ Claim(s) 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Objections

1. Claim 28 is objected to because of the following informalities: Claim 28 is dependent on claim 29, but claim 29 does not exist. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 10-17, 19, 20 and 23-28 are rejected under 35 U.S.C. § 102(e) as being anticipated by Rahrer et al, U.S. Patent No.

6,208,713

(hereinafter Rahrer).

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Regarding claim 10, Rahrer discloses a method to update a voice activated dialing (VAD) directory associated with an originator of a call a call destination number, the method comprising:

asking the originator whether to update the VAD directory at the end of the call to the call destination number;

receiving an instruction to update the VAD directory in response to the asking;

receiving from the originator a VAD command for the call destination number after receiving the instruction; and

updating the VAD directory with an update including the VAD command associated with the call destination number (see Figures 2 and 4).

Regarding claim 11, see column 9.

Regarding claim 12, see Figures 1, 11 and 12.

Regarding claim 13, see Figures 1, 11 and 12.

Regarding claim 14, see Figure 5.

Regarding claim 15, see Figure 5.

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Regarding claim 16, Rahrer discloses a method for updating a voice activated dialing (VAD) directory, comprising:

receiving an instruction to update the VAD directory by reference to at least one characteristic of a call destination number other than the call destination number itself;

determining a call destination number to be included as part of an update to the VAD directory based upon the at least one characteristic of the call destination number other than the call destination number itself;

recording a VAD command for the call destination number that was determined; and

updating the VAD directory with the update including the VAD command associated with the call designation number that was determined (see Figures 2 and 4).

Regarding claim 17, see Figure 4.

Regarding claim 19, see Figure 4.

Regarding claim 20, see Figure 5.

Regarding claim 23, see columns 16 and 17.

Regarding claim 24, see Figure 1.

Regarding claim 25, see Figure 1.

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Regarding claim 26, Rahrer discloses a method to update a voice activated dialing (VAD) directory associated with an originator of a call with a call destination number, the method comprising:

asking the originator whether to update the VAD directory at the end of the call to the call destination number;

transmitting an instruction to update the VAD directory in response to the asking; and

transmitting from the originator a VAD command for the call destination number after receiving the instruction (see Figures 2 and 4).

Regarding claim 27, see column 9.

Regarding claim 28, see Figure 1.

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 21 and 22 are rejected under 35 U.S.C § 103(a) as being unpatentable over Rahrer.

On the issue of claims 21 and 22, Rahrer does not explicitly discuss the claimed updating procedure. Nonetheless, "Official Notice" is taken that this limitation is both old and well known in the art. As a result, it would have been obvious to one of ordinary skill in the art to modify Rahrer with updating a second VAD directory with an update including the VAD command associated with the call destination number. This modification would have improved the system's flexibility by allowing the user to locate a desired record from a plurality of records as suggested by Rahrer.

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Response to Arguments

6. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

O.A.

Olisa Anwah
Patent Examiner
July 18, 2005


FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600